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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
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9 Bottom Line Recoveries LLC,

No. CV-14-00443-PHX-JAT

10 Plaintiff,

ORDER

11 v.

12 Lockheed Martin Corporation,

13 Defendant.

14 **I. Background**

15 The parties stipulated to and jointly moved the Court for entry of a protective
16 order governing the “handling of documents, testimony, deposition exhibits, discovery
17 responses,” and all other discovery materials in this case. (Doc. 40-1 at 1-2). The parties’
18 proposed protective order permitted a party disclosing materials to designate any
19 documents it believed to contain confidential information as confidential, which would
20 subject the receiving party to certain obligations to preserve that confidentiality. (*Id.* at 7).
21 The proposed order would also require any documents referencing confidential
22 information filed with the Court to be filed under seal. (*Id.*)

23 The Court denied the parties’ motion without prejudice, noting that the parties had
24 not cited any authority for the Court entering a global or prospective protective order.
25 (Doc. 41). The Court ordered that any future requests for a protective order pursuant to
26 Federal Rule of Civil Procedure (“Rule”) 26(c) be presented to the Court using the
27 procedure required for discovery disputes as outlined in the Court’s Rule 16 scheduling
28 order. (*Id.*)

1 **II. Request for a Protective Order**

2 The parties have notified the Court that they have narrowed the scope of their
3 proposed protective order, classified the subject documents into several groups, and now
4 re-request the Court issue a protective order.

5 **A. Legal Standard**

6 The Court reminds the parties of the applicable legal standard for obtaining a
7 protective order. Global protective orders are not appropriate. *See AGA Shareholders,*
8 *LLC v. CSK Auto, Inc.*, 2007 WL 4225450, at *1 (D. Ariz. Nov. 28, 2007). Rule 26(c)
9 requires a party seeking a protective order to show good cause for issuance of such an
10 order. Fed. R. Civ. P. 26(c)(1). “For good cause to exist under Rule 26(c), ‘the party
11 seeking protection bears the **burden of showing specific prejudice or harm will result**
12 **if no protective order is granted.**” *AGA Shareholders*, 2007 WL 4225450, at *1
13 (emphasis added) (quoting *Phillips v. G.M. Corp.*, 307 F.3d 1206, 1210-11 (9th Cir.
14 2002)). The party seeking protection “**must make a ‘particularized showing of good**
15 **cause with respect to [each] individual document.**” *Id.* (emphasis added) (quoting *San*
16 *Jose Mercury News, Inc. v. U.S. Dist. Ct.*, 187 F.3d 1096, 1102 (9th Cir. 1999)).

17 Thus, “[t]he burden is on the party to requesting a protective order to demonstrate
18 that (1) the material in question is a trade secret or other confidential information within
19 the scope of Rule 26(c), and (2) disclosure would cause an identifiable, significant harm.”
20 *Foltz v. State Farm Mut. Auto. Ins. Co.*, 331 F.3d 1122, 1131 (9th Cir. 2003) (quoting
21 *Deford v. Schmid Prods. Co.*, 120 F.R.D. 648, 653 (D. Md. 1987)).

22 **III. Conclusion**

23 The parties wishing to present their request for a protective order to the Court, the
24 Court rules as follows:

25 **IT IS ORDERED** setting a hearing on the parties’ request for a protective order
26 for August 28, 2014 at 10:00 a.m. in Courtroom 503, Fifth Floor, Sandra Day O’Connor
27 U.S. Courthouse, 401 W. Washington St., Phoenix, Arizona, 85003. Counsel for both
28 parties shall appear in person; no telephonic appearances will be permitted.

